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Judge Christopher M. Alston
CHAPTER 13
Hearing Date: May 23, 2019
Hearing Time: 9:30 a.m.
Response Date: May 16, 2019

4 UNITED STATES BANKRUPTCY COURT
5 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

6 IN RE:

7 WALKAMA, Gary and Vonda,
8 Debtors.

No. 15-17221

DEBTORS' RESPONSE TO MOTION FOR
RELIEF FROM STAY BY ABINBOLA
NELAMS and PROOF OF SERVICE

10
11 COME NOW, the Debtors, by and through their attorney, Travis A. Gagnier, and respond
12 to the Motion for Relief from Stay by Abinbola Nellams (hereafter "Nellams"), which has been
13 filed for the second time in this case.

14 Debtors filed for Chapter 13 bankruptcy on or about December 9, 2015. Nellams was
15 notified of the bankruptcy filing and was listed as a creditor in the case at the time of filing. On
16 the one hand Nellams claims he did not know about the bankruptcy filing, but on the other he
17 complains in his motion that his District Court case was stayed on December 22, 2015 due to the
18 bankruptcy filing. Despite his unsupported claim to the contrary, Nellams knew about the
19 bankruptcy filing from the beginning, but did nothing for three (3) years. A copy of the Notice of
20 Bankruptcy Filing Per LCR 89 which was filed in the District Court case and sent to attorney
Darryl Parker is attached and incorporated by reference.

21 Nellams did not do is file a Proof of Claim in this case. The non-governmental claim bar
22 date was April 25, 2016. He has no grounds to the bar date since he knew about the bankruptcy
23 filing back in December of 2015. There is no reason to put the debtors through the hassle and
24 expense of liquidating a claim that was never made in this case just because the creditor is now
25 impatient after more than three (3) years of doing nothing. Nellams has cited no grounds for
26 relief from the stay in this matter.

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FOR RELIEF FROM STAY and
28 PROOF OF SERVICE - 1

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1 Had a claim been filed, it would make more sense to try the matter in the Bankruptcy
2 Court as debtor is the sole defendant now. But, with no claim being filed there is no reason to
3 liquidate a debt that that will be discharged at the completion of the debtors' case.

4 For these reasons, the Debtors ask that the motion for relief from stay be denied.

5 Respectfully submitted this 16th day of May 2019.

6 /s/ Travis A. Gagnier
7 Travis A. Gagnier, #26379
8 Attorney for Debtors

9 **PROOF OF SERVICE**

10 I declare under penalty of perjury under the laws of the State of Washington that I filed
11 the original of the foregoing with the United States Bankruptcy Court in Seattle and served a true
12 copy thereof to:

13 K. Michael Fitzgerald
14 Chapter 13 Trustee

Abinbola Nellams
c/o Civil Rights Justice Center, PLLC

14 via ECF, and to:

15 Debtors

16 via U.S. first-class mail, postage pre-paid, on the 16th day of May 2019.

17 /s/ Shari L. Moody
18 Shari L. Moody
19 Sr. Paralegal